

INVESTIGATIVE SUMMARY

This investigation details a deputy involved hit shooting, suspect deceased that occurred in the Pico Rivera Station area. The facts outlining this investigation were gathered from various police reports, witness interviews, and information obtained from subject interviews conducted by Homicide Bureau.

On March 28, 1995, Internal Affairs Bureau investigators contacted Lieutenant Brown, Homicide Bureau. Lieutenant Brown stated that Sergeant Boskovich, unit 150S P.M.'s, Deputy Contreras, unit 151T1 P.M.'s, Deputy Pingarron, unit 152A P.M.'s, Deputy Stroud, unit 151M3 Overlap, Deputy Velasco, unit 151A P.M.'s, and Deputy Wilson, unit 152B Days, were involved in an on duty shooting at 5243 1/2 Paramount Boulevard, Pico Rivera at approximately 1500 hours. The shooting occurred as a result of a radio call of an armed suspect, James E. King, pointing a weapon at another man. This incident was documented under Pico Rivera Station File #095-02520-1513-055 (Refer to Exhibit "A," Pages 1-33, for copy of reports).

The following is a brief account of events which culminated in an armed confrontation with Sheriff's deputies. These events were related to investigators by the Suspect's girlfriend ([redacted]) and the Victim ([redacted].

Ms. [redacted] told investigators that she and Victim [redacted] had previously been boyfriend and girlfriend, but their relationship has just been as friends for sometime. She said Suspect King had been extremely jealous of her friendship with Victim [redacted]

Ms. [redacted] said that on March 28, 1995, at approximately 0200 hours, Suspect King asked her if she had seen Victim [redacted] and he accused her of having sexual relations with Victim [redacted] She said she told the Suspect that nothing was happening between her and [redacted] that her romantic relationship with [redacted] was over, and they were just friends. She said Suspect King had made threats on many occasions, that he wanted to get [redacted] out of their life. She said at approximately 0500 hours, prior to him leaving for work, Suspect King told here he wanted to kill Victim [redacted]

Ms. [redacted] said she had been having problems with her car, and since Victim [redacted] had repaired her car before, she decided to take it to him again to check the transmission. At approximately 1415 hours, after picking up her son [redacted], they arrived at Victim [redacted] auto repair shop. She and her son were inside the office while Victim [redacted] went outside to inspect her car. She then heard Victim [redacted] tell someone, "You're not allowed in here." When she exited the office she saw Suspect King pointing a handgun at Victim [redacted] She told Suspect King, several times to put the gun down, but he refused. Suspect King told her to get in her car and leave. She told Suspect King she had to get [redacted] from the office. She returned to the office and quickly call 9-1-1, reporting what was occurring.

Ms. [redacted] exited the office with [redacted] walked with her son to the car, and began driving away. She added that she was fearful the Suspect was going to shoot Victim [redacted] or accidentally shoot her. The suspect was waving the gun around wildly with his finger on the trigger.

Victim [redacted] told investigators that while Suspect King was pointing the gun at him, he (King) made several statements that he was going to kill the Victim. The Victim thought he was going to be shot. He said he was relieved when Suspect King put his gun back in a holster, which was in his pocket, and drove away from the location following Ms. [redacted]

After receiving Ms. [redacted] 9-1-1 telephone call (Refer to Exhibit "A," Page 34, Print Out of Incident Record), Pico River Station dispatched a radio call to unit 151M3 (Deputy Stroud) to handle, and unit 151B (Deputy Lang) to assist. Additional Pico Rivera units heard the radio call, and began responding to the location.

Deputy Tauson, unit 151M2, Deputy Stroud, unit 151M3, and Deputy Velasco, unit 151A, arrived at the driveway to the location at approximately the same time. As Deputy Tauson stopped his motorcycle along the west curb line of the southbound lane of Paramount Boulevard, he saw a light blue Toyota drive out of the south driveway, turn left on Paramount Boulevard, and drive northbound in the southbound lane. The driver/informant, [redacted] stopped her vehicle in front of Deputy Tauson's motorcycle (Refer to Exhibit "B," Photograph), exited her vehicle, ran up to Deputy Tauson, and told him, "He's got a gun. He's going to kill that man back there." Ms. [redacted] turned towards the south driveway, pointed at Suspect King backing a brown Buick eastbound down the driveway towards Paramount Boulevard, and stated, "He has the gun."

Deputy Tauson turned toward the suspect, who was now stopped in the driveway. The suspect's vehicle was still running, the right front passenger window was rolled down approximately 2/3 of the way, and the suspect was looking over his right shoulder towards Deputy Tauson and Ms. [redacted] Deputy Tauson shouted at the suspect to turn off his car, while at the same time motioned with his right hand in a gesture of turning the ignition switch. Suspect King shifted his vehicle into drive and sped westbound in the driveway towards the rear of the location. Deputy Tauson began providing responding units, via his radio, with the above information. Simultaneously, Sergeant Boskovich, unit 150S, arrived at the location, turned into the south driveway and followed the Suspect vehicle to the rear of the location (Refer to Exhibit "C," Photographs of Location).

Victim [redacted] said he was closing and locking the gate, when Suspect King suddenly drove back to his shop. He said Suspect King immediately pointed the gun at him and said, "How do you want it?" At this time, a Sheriff's radio car drove up behind Suspect King's vehicle, which distracted Suspect King long enough to allow Victim [redacted] to run and hide. He said if the deputies had not arrived when they did, Suspect King would have shot him.

Victim [redacted] said that after the Sheriff's units arrived, and he hid behind a storage container, he could not see anything, but he heard the Suspect yelling at the deputies, "Pull the trigger, pull the trigger," and "Use that scatter gun." He said the deputies told the Suspect to drop his gun and get out of the car, numerous times.

Sergeant Boskovich was the first unit to stop behind the Suspect's vehicle. Sergeant Boskovich began ordering Suspect King to "Show me your hands. Get out of the car." Suspect King did not comply with Sergeant Boskovich's orders.

As additional Pico Rivera units arrived at the location, deputies took up positions of concealment (Refer to Exhibit "A," Page 83). During this time the suspect remained inside his vehicle, and started saying, "Get it over now. Just do it. It's easier this way."

Since many deputies were giving orders to the Suspect, Sergeant Boskovich decided that only one person should be talking, so he told Deputy Stroud to use his radio car's P.A. system and talk to the Suspect. The Suspect was not responding to any commands, so Deputy Stroud attempted to establish a rapport with the Suspect by telling him, "This does not have to go this way. You will not be hurt if you do as you are told." During Sergeant Boskovich's interview with Homicide Bureau, he indicated that he told Deputy Wilson that he was a "designated shooter." He also indicated that he identified other deputies as designated shooters.

These commands and pleas for the Suspect to drop his gun and come out of the car were repeated over and over. At one point, the Suspect raised a gun in his right hand, cocked the hammer, and pointed it at the right side of his head. The Suspect then started saying something about the "Scatter guns." Sergeant Boskovich believed that the Suspect was trying to get them to put their shotguns down, to gain a tactical advantage. At this time, he told Deputy Stroud to give the PA microphone to Deputy Tauson, and for him (Stroud) to get the shotgun out of the Sergeant's vehicle. At this time he told Deputy Stroud that he was a "designated shooter."

The Suspect began making movements inside the car, and he threw something out the open driver's window. Deputy Stroud said he believed that the Suspect was throwing out bullets. They counted four objects thrown out.

> I.A.B. NOTE: From evidence collected at the scene, it appears that the Suspect emptied his weapon and threw out five (5) live.38 cartridges, (Refer to Exhibit "D", Photographs).

The Suspect opened the driver's door to his vehicle, with the gun still in his right hand. Deputy Miller asked if he should use the ARWEN, but since the Suspect was still in the car, Sergeant Boskovich felt that Deputy Miller did not have a "good target," and the ARWEN would not be effective.

The Suspect put his left leg down on the ground, looked over his left shoulder, pivoted in the seat and put his right leg down on the ground. The Suspect stepped out of the car, stood up, with the gun in his right hand, and deputies started yelling for him to put the gun down. The Suspect continued turning to his left, far enough to be face to face with the deputies behind the gray Chevrolet. As the Suspect continued to turn to his left, with the gun in his right hand, the deputies shot at the Suspect. The suspect fell back against the driver's door and the door jamb, and his weapon fell between the side-view mirror and the car. Deputy Tauson requested paramedics, via his radio.

> I.A.B. NOTE: During the latter part of this incident, Deputy Tauson turned on his personal pocket tape recorder. Approximately three (3) minutes into the tape Sergeant Boskovich can be heard saying, "Okay, designated shooters." There is a brief pause and then Sergeant Boskovich is heard saying, "Take him."

Using the ballistic shield, Sergeant Boskovich, Deputy Stroud, and Deputy Pinagarron approached the downed Suspect. The Suspect's weapon was retrieved and pulled away from the Suspect's reach (Refer to Exhibit "J"). Sergeant Boskovich checked the Suspect and noted no signs of life. When the paramedics arrived the Suspect was pronounced dead (Refer to Exhibit "K," Photographs of Suspect).

Sergeant Boskovich indicated that during this incident he had taken a position behind the open passenger's door of his vehicle (Refer to Exhibit "A," Page 83). He said as the Suspect turned with the gun in his right hand, he fired his Beretta twice (2) at the Suspect. He said he may have shot more, but he only remembers firing twice (Refer to Exhibit "E," Photographs). He said his sight picture was the Suspect's left side.

Deputy Wilson took up a position at the driver's door of a gray Chevrolet (Refer to Exhibit "A," Page 83). From this position he could see Deputy Velasco, to the east of him, near a storage container. He said the Suspect was not complying with instructions, but he understood and responded to questions. He said the Suspect was saying, "Why don't you come up and get me?," "Bring a scatter gun," and "Good you have the scatter gun."

Deputy Wilson said as the Suspect exited the car, he drew a mental line of rotation. He said if the Suspect reached this "line," he (Suspect) would be a threat to the deputies, and he (Wilson) would have to shoot. He said the suspect continued turning to his left, he heard one shot, and he said it sounded like a hand gun. He said the Suspect passed the mental line, and he fired one shot from his shot gun (Refer to Exhibit "F," photographs).

Deputy Pingarron took up a position at the rear of the gray Chevrolet (Refer to Exhibit "A," Page 83). He said he heard the Suspect yelling out of the driver's window, "Shoot me, shoot me," and "I've got a gun." He said the Suspect looked into the side view mirror, and said, "Keep pointing that scatter gun at me. Shoot me with that scatter gun." He said he thought that the Suspect was looking at him, and he did not want the suspect to be "motivated" to step out of the car. He said he moved to a position closer to the center of the trunk of the gray Chevrolet, so the Suspect could not see the shotgun.

Deputy Pingarron said the Suspect later said, "Where is the scatter gun at? Point it at me." He said as the Suspect opened his car door, he (Suspect) looked over his left shoulder. At this time, he said he pointed his shotgun at the Suspect, because he believed that the Suspect would start shooting at them as soon as he got out of his car. The Suspect then said, "Yeah, there you go, point the shotgun." The Suspect stepped out of the car, stood up with the gun in his right hand, and started turning to his left. Deputy Pingarron said he fired his shotgun at the Suspect once (Refer to Exhibit "G," Photographs).

Deputy Contreras took up a position at the open driver's door of Sergeant Boskovich's radio car (Refer to Exhibit "A," Page 83). He said as Deputy Stroud attempted to get the Suspect out of his car, he heard the Suspect say, "Come and get me." As Deputy Stroud continued to try and talk the Suspect out of the car, he saw the Suspect throw something out of the driver's door window. He said it was a small object, but he did not know what it was.

Deputy Contreras said the Suspect started coming out of the car, with the gun in his right hand. He said the Suspect was being told to drop the gun. He said the Suspect stood up and began turning to his left towards the deputies. He said as the Suspect turned, his right arm began to come down. He said he felt the Suspect was going to shoot at them. He said he shot at the Suspect at least four times with his Beretta (Refer to Exhibit "H," Photographs).

> I.A.B. Note: When Homicide investigators inspected Deputy Contreras' Beretta, there was one (1) live round in the chamber, and eight (8) live rounds in the magazine.Deputy Contreras' indicated that he carries his Beretta with one live round in the chamber and 15 rounds in the magazine, for a total of 16 rounds.
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> This would indicate that Deputy Contreras' fired a total of seven (7) rounds at the Suspect.

Deputy Stroud took up a position at the open passenger's door of Sergeant Boskovich's radio car (Refer to Exhibit "A," Page 83). He said he instructed the Suspect to throw his gun out the window, and to put his hands up. He said the Suspect ignored his commands, and continued holding a gun in his right hand. He said he heard the Suspect shouting something about "scatter gun," but he (Stroud) could not hear because he still had his helmet on.

> I.A.B. NOTE: *Deputy Stroud* is a motorcycle deputy.

Deputy Stroud said Sergeant Boskovich told him to give the PA microphone to Deputy Tauson, and for him (Stroud) to get the shotgun. He said Deputy Tauson continued talking to the Suspect. He

said the Suspect opened his driver's door, turned to his left and began exiting the car. He said he observed the Suspect's right hand and as the Suspect began to exit the vehicle, the gun came up above the roof line of the Suspect's vehicle. He said the Suspect continued to turn to his left, and he (Stroud) feared the Suspect was going to shoot one of the deputies. He said he fired his shotgun three (3) times at the Suspect. He said he saw the back window of the Suspect's vehicle explode.

Deputy Stroud said after the incident, he attempted to clear his shotgun and discovered the chamber empty. He recalled firing three (3) rounds, and thought that the shotgun initially contained four rounds (Refer to Exhibit "E," Photographs).

> I.A.B. NOTE: From evidence collected at the scene, it appears that Deputy Stroud fired his shotgun four (4) times at the Suspect.

Deputy Velasco took up a position behind a storage container (Refer to Exhibit "A," Page 83). He said from his position he could see the Suspect sitting in his vehicle. He said he advised the other deputies, over the radio, of his position.

Deputy Velasco said the Suspect got out of his car, stood up with the gun still in his right hand, and his right arm bent. He said the Suspect started turning and he (Velasco) lost sight of the Suspect's right hand. He said as the Suspect turned, he (Velasco) heard one gunshot, and thought that the Suspect had fired at the deputies. He said he then fired at the Suspect twice with his shotgun. He said he was aiming at the Suspect's middle torso, through the right front door window.

> I.A.B. NOTE: From evidence collected at the scene, it appears that Deputy Velasco actually fired three (3) times at the Suspect (Refer to Exhibit "I," Photographs).

Deputy Miller (non-shooter) said as he reached the rear of Sergeant Boskovich's vehicle, he observed the Suspect getting out of his vehicle. He said Sergeant Boskovich yelled, "Designated shooter," and approximately 1 1/2 seconds later shots were fired at the Suspect. He said at the time the deputies fired, the Suspect had exited his vehicle and turned to the left facing toward the deputies. He said as the Suspect turned, Deputy Wilson would have been in the most "front on" position with the Suspect. He said he observed the Suspect holding a gun in his right hand, and as the Suspect turned, his right hand began to come down to a horizontal position with the ground, and pointed towards the deputies.

Deputy Lang (non-shooter) said he took up a position behind a blue storage van east of Sergeant Boskovich's vehicle. He said the Suspect stepped out of his vehicle, and began to turn (medium speed) to his left. He said he could see the Suspect holding a handgun in his right hand, and as the Suspect turned, his right arm began to come down with the gun pointed in the direction of the deputies.

There were five (5) civilian witnesses standing south of the location and observed the incident.

Witness [redacted] heard the deputies telling the Suspect to get out of the car. He saw the Suspect put his left hand out the open driver's door window, waving it in a manner as if telling the deputies to come and get him. He heard the suspect say something like, "Come and get me." He heard the deputies pleading with the suspect for approximately 15 to 20 minutes. He said the Suspect got out of his car holding a chrome handgun in his right hand. He said the Suspect began turning left towards the deputies, and approximately 75 percent of the Suspect's body had turned before the deputies shot him.

Witness [redacted] said the deputies talked to the Suspect for a long time. He said he saw the Suspect waving his left hand as if telling the deputies to come and get him. He said the Suspect exited his car with a gun in his right hand, and he turned towards the deputies.

Witness [redacted] said he saw the Suspect waving his left hand at the deputies. He had heard the deputies telling the Suspect to drop the gun and come out with his hands in the air. He said the Suspect got out of his car, and turned towards the deputies with a gun in his right hand.

Witness [redacted] said he saw the Suspect seated in the vehicle, waving his left hand, as if waving the deputies to come on and move forward. He said the Suspect came out of the vehicle, and faced the deputies with the gun in his right hand.

Witness [redacted] said he saw the Suspect waving with his left hand, and he heard the deputies telling the Suspect to get out of the car. He said the Suspect started getting out of the car with a chrome handgun in his right hand. He said the Suspect turned towards the deputies and would not drop the gun.